

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Owen et al.  
Appln. No.: 10/618,513  
Confirm. No.: 6597  
Filed: July 11, 2003  
Title: FEDERATED MANAGEMENT OF CONTENT REPOSITORIES

PATENT APPLICATION

Art Unit: 2136  
Examiner: Parthasarathy, Pramila  
Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Petitions Branch, Facsimile No. (571) 273-0025, on 12/28/2006. Total number of pages transmitted: 24

  
Guanyao Cheng  
Reg. No. 58,559  
Signature Date: December 28, 2006

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DEC 28 2006

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUANCE UNDER 37 C.F.R. § 1.313

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant brings this petition under 37 C.F.R. § 1.313 to withdraw the above-identified patent application from issue so as to permit consideration of an Information Disclosure Statement. This petition is accompanied with a Request for Continued Examination Under 37 C.F.R. § 1.114 ("RCE") and an Information Disclosure Statement.

FACTS

The present application was filed on July 11, 2003.

The issue fee for this application was paid on December 20, 2005.

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Attorney Docket No.: BEAS-01360US1  
GCheng/BEAS/1360US1/I360US1.Pet.Withdraw.1.313.

### DISCUSSION

Applicant believes that Applicant has a duty to disclose the article entitled: "FARSITE: Federated, Available, and Reliable Storage for an Incompletely Trusted Environment," pages 1- 14 by Adya et al., to the United States Patent Office under Rule 56. However, 37 C.F.R § 1.97 states that an Information Disclosure Statement must be filed no later than the payment of the issue fee (37 C.F.R. § 1.97(d)). Specifically, 37 C.F.R. § 1.97(i) states that an Information Disclosure Statement filed before the grant of a patent, but after the payment of the issue fee, "will be placed in the file, but will not be considered by the office."

The present application can be withdrawn from issue upon petition by the Applicant under 37 C.F.R. § 1.313. The rule states that any petition must include a showing of good and sufficient reasons why withdrawal of the application is necessary. Applicant asserts that withdrawal from issuance is necessary if the Examiner is to consider the above noted reference: "FARSITE: Federated, Available, and Reliable Storage for an Incompletely Trusted Environment." A Request for Continued Examination under 37 C.F.R. §1.114 ("RCE") is filed concurrently with this petition, along with an Information Disclosure Statement.

### CONCLUSION

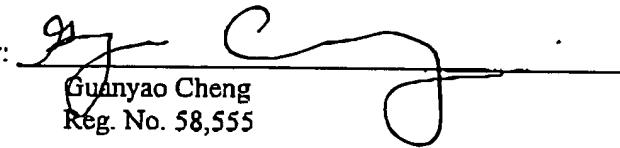
For the reasons discussed above, Applicant petitions the Commissioner to withdraw the present application from issuance so that Applicant can file a Request for Continued Examination under 37 C.F.R. §1.114 along with an Information Disclosure.

The present petition requires a \$130.00 fee set forth in §1.17(h) and the fee of \$790.00 pursuant to 37 C.F.R. §1.17(e) for the filing of the Request for Continued Examination.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12/28/06

By:   
Guanyao Cheng  
Reg. No. 58,555

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